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THE REPUBLIC OF ARGENTINA

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT

NML CAPITAL, LTD.,  
Plaintiff,  
vs.

SPACE EXPLORATION  
TECHNOLOGIES CORP., aka  
SPACEX, a Delaware corporation;  
THE REPUBLIC OF ARGENTINA, a  
foreign state, including its *COMISION*  
*NACIONAL DE ACTIVIDADES*  
*ESPACIALES*, aka CONAE, a political  
subdivision of the Argentine State; and  
DOES 1-10,  
Defendants.

No. 14 CV 02262-SVW-Ex

[*Hon. Stephen V. Wilson*]

**DECLARATION OF CONRADO F.  
VAROTTO**

[Filed concurrently with  
(1) Not. of Mot. and Mot. to Dismiss,  
and (2) Declaration of Donald R.  
Brown]

Hearing Date: June 30, 2014  
Time: 1:30 p.m.  
Courtroom: 6

Compl. filed: March 25, 2014

**DECLARATION OF CONRADO F. VAROTTO**

I, Conrado F. Varotto, declare as follows:

1. I am the Executive and Technical Director of the Comisión Nacional de Actividades Espaciales ("CONAE"), the Argentine agency in charge, inter alia, of planning, executing and evaluating Argentina's national space program for the peaceful use of space science and technology. As the Executive and Technical Director of CONAE, my responsibilities are those of a typical CEO, which include day-to-day executive and administrative tasks (such as hiring personnel and approving contracts) and all actions necessary to fulfill CONAE's purpose. I have personal knowledge of the facts set forth in this Declaration, and I could and would competently testify to them if called as a witness.

2. This submission is made in support of the Republic's Motion to Dismiss NML Capital's Complaint for Creditor's Suit.

3. I attach to this Declaration as Exhibit A the declaration I submitted in connection with NML's attempt in this Court, in 2011, to seize CONAE's immune sovereign satellite property, which was part of an intergovernmental mission to collect scientific data concerning the Earth's oceans salinity levels for distribution at no cost to the general public for the benefit of mankind. *See NML Capital, Ltd. v. Spaceport Sys. Int'l, L.P.*, 788 F. Supp. 2d 1111 (C.D. Cal. 2011). Like the prior mission, the satellite property at issue in this action is part of an intergovernmental effort, in this instance with Italy's space agency Agenzia Spaziale Italiana ("ASI").

4. Specifically, in the present mission, CONAE plans to integrate two Argentine Microwaves Observation System ("SAOCOM") satellites into the Italo-Argentine Satellite System for Emergency Management ("SIASGE"), for the purpose of supplying information to facilitate environmental monitoring, land and water resource management, and the prevention and management of natural and

1 human-caused disasters, including floods, earthquakes, oil spills, and volcano  
 2 eruptions. The SAOCOM satellites will generate scientific data, including surface  
 3 soil moisture maps, crop-yield simulations, and flood and wheat head blight  
 4 forecasts. This data, which CONAE will distribute at no cost to the agricultural  
 5 sector and the general public, will have practical applications in areas ranging from  
 6 the agricultural sector to the prevention of loss of life and property in the event of  
 7 natural disasters.

8           5. The mission represents the culmination of many years of  
 9 international cooperation, including among Argentina, Belgium, and Italy. Any  
 10 interference with the launch or CONAE's property risks rendering this tremendous  
 11 effort null, at great cost to all parties involved.

12           6. I also attach as Exhibit B the declaration of Oleh Jachno, at the  
 13 time a lawyer for CONAE, which was submitted in the prior proceeding and  
 14 describes CONAE's structure and separate legal status from the Republic of  
 15 Argentina. CONAE's status and structure as an autarkic independent entity remain  
 16 the same, except that CONAE, which was previously under the supervision of the  
 17 Ministry of Foreign Affairs, now operates under the supervision of Ministry of  
 18 Planning and Infrastructure.

19  
 20           I declare under penalty of perjury under the laws of the United States  
 21 of America that the foregoing is true and correct.

22           Executed on May 15, 2014, in Buenos Aires, Argentina.

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 26 CONRADO F. VAROTTO  
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